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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,498	11/27/2001	Masaaki Noro	1405.1053	8168
21171 7590 11/27/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ALAM, UZMA	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/993,498

Applicant(s)

NORO ET AL.

Examiner

Uzma Alam

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 20 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is responsive to the amendment filed October 29, 2007. Claims 1-18 have been cancelled. Claims 19-22 have been amended and claims 26-27 are newly added. Claims 19-27 are pending. Claims 19-27 represent a communications control method.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker et al. US Patent No. 6,677,976. Parker teaches the invention as claimed including a method for providing direct mode communication between two mobile terminals (see abstract).

As per claims 19-22, Parker teaches a communications control method, a communications terminal, a computer readable medium, and a communications control computer product utilized by a first communications terminal T1 connectable via a network with a second communications terminal T2, the communications control method, terminal, function, and program for executing including:

a reporting step of reporting to the second communications terminal T2 [11, user #2, Figure 1] first session identification information S1 [target telephone number ] and a second terminal identifier of the second communication terminal T2;

the first session identification information S1 identifying communications between the second communications terminal T2 and the first communications terminal T1 [10, user #1, Figure 1] (exchanging data messages between two individual users; column 4, lines 28-35; column 5, lines 15-41);

the first session identification information S1 being determined by the first communications terminal T1 (identify users by telephone number; column 6, lines 14-60); and

the second terminal identifier identifying the second communications terminal T2 (look up second IP address; column 6, lines 31-55);

a receiving step of receiving from the second communications terminal T2 [11, user #2, Figure 1] second session identification information S2 [telephone number of user; column 8, lines 15-50] and a first terminal identifier [telephone number of user; column 8, lines 15-50];

the second session identification information S2 identifying communication between the first communications terminal T1 and the second communication terminal T2 (column 6, lines 5-55); and

a first terminal identifier identifying the first communication terminal T1 (user IP address; column 8, lines 15-30); and

a communications step of communicating with the second communications terminal T2 by carrying out transmission and reception of data containing the first session identification information S1 and second session identification information S2, the first terminal identifier, and the second terminal identifier (make direct contact with users; column 8, lines 37-52).

As per claim 23, Parker teaches a communications method for when, via a secure host defending against wrongful access from without, internal terminal devices connected to a network on the inside of the secure host and external terminal devices connected to a network on the outside carry out voice communications, the communications method characterized by:

accepting by way of the secure host [central server, 13], from outside the secure host, a call request from an external terminal device [other computer 43, Figure 6] to a connectable internal terminal device [10, 11 user computer 1 or 2], or accepting by way of the secure host, from inside the secure host, a call request from an internal terminal device to a connectable external terminal device [other computer] (column 7, lines 1-15);

when a call between the external terminal device and the internal terminal device is established, reporting to the two terminal devices a path readied in advance for transmitting and receiving voice data, and session identification information for distinguishing what is voice data between the terminal devices, and meanwhile storing terminal-device information identifying the two terminal devices, correlatively with the session identification information reported to the two terminal devices (connecting the other computer with the user computers; column 7, lines 1-15);

when the secure host has received form the external terminal device or the internal terminal device voice data containing the session identification information, specifying, from the terminal-device information stored correlatively with the session identification information, a communications-destination terminal device for the voice data, and sending out received voice data to the specified terminal device 1 (communicating between the devices; column 7, lines 1-20).

24. The communications control method of claim 19, wherein the receiving-port number and the sending-port number are reported in addition to the session identification in a reporting step (column 5, lines 1-15).

25. The communications control method of claim 19, wherein a communications identifier is reported together with the session identification information in a communications step (column 5, lines 20-30).

26. The communications control method of claim 19, wherein the session identification information is generated based on the terminal identifier of the communications terminal (column 5, lines 20-30)

27. The communications control method of claim 19, wherein the session identification information is generated by a random number generator (column 5, lines 43-50).

***Response to Arguments***

3. Applicant's arguments with respect to claims 19-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/993,498

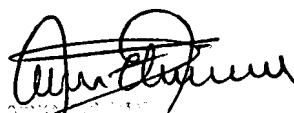
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Uzma Alam

Ua

November 18, 2007

  
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Assistant Commissioner  
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